

REMARKS

Status Summary

Claims 1-48 are pending in the present application, of which claims 1, 16, 31, and 46-48 are presented in independent form. None have been allowed and claims 1-48 stand rejected.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 1-48 stand rejected as being unpatentable over U.S. Patent No. 6,484,162 to Edlund, et al. (hereinafter "Edlund"), in view of U.S. Patent Publication No. 2005/0111737 to Das (hereinafter "Das").

To establish a prima facie case of obviousness, the Office must first show that the prior art, through cited documents, the nature of the problem being solved, or the knowledge of a person having ordinary skill in the art, describe or suggest all of the claimed features. The Office must next articulate some reason to combine the known features in the fashion claimed by the patent at issue. *KSR International v. Teleflex, Inc.*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007). Rejections on obviousness grounds cannot be sustained by mere conclusory statements. See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006).

The combination of Edlund and Das fails to disclose or suggest each and every recitation included in the claims for a variety of reasons. First, both Edlund and Das fail to disclose or suggest a computer-implemented method, a computer readable medium, or a system for providing links to one or more resources related to a specified resource, wherein the resource is a media resource that is a distinct, categorizable media object associated with a resource type and stored in a data store. Second, both Edlund and Das fail to disclose or suggest "presenting a visual representation of the media resource and a selectable visual representation of the relation for accessing a link included in the relation set" as recited in the independent claims.

As stated above, both Edlund and Das fail to disclose or suggest a computer-implemented method, a computer readable medium, or a system for providing links to one or more resources related to a specified resource, wherein the resource is a media resource that is a distinct, categorizable media object associated with a resource type and stored in a data store. In the Office Action, the Office admits that "Edlund does not explicitly teach that the resource is a distinct, categorizable object associated with a resource type and stored in a data store." Applicant agrees with this conclusion. Accordingly, Edlund need not be discussed with regard to the above referenced recitation.

The Office relies on Das as curing the above referenced deficiency of Edlund. Applicant respectfully asserts that Das fails to do so. Nowhere does Das teach allowing for specifying a media resource ... wherein the media resource is a distinct, categorizable media object as recited in the independent claims. The Office relies on Paragraphs 0009-0010 and paragraphs 0024-0025 for disclosing or suggesting the above referenced recitations. Applicant respectfully disagrees. The cited sections read:

[0009] The present invention is directed to overcoming one or more of the problems set forth above. Briefly summarized, according to one aspect of the present invention, the invention resides in a method for generating customized photo album pages for a collection of digital images, where the method comprises the steps of: (a) obtaining a plurality of digital images; (b) automatically grouping the images into one or more image sets based on at least one of grouping by events and grouping by people present in the images; (c) automatically profiling the images within each image set according to image content, thereby relating a particular image set to one or more design themes; (d) providing a database of design elements that may be used to generate customized photo album pages; (e) utilizing the design themes generated by the profiling step to automatically suggest one or more design elements from the database of design elements; and (f) automatically generating a customized photo album page layout for each image set by applying one or more of the suggested design elements to the page layout.

[0010] The manual selection of image sets for albuming/custom printing is a time-consuming process involving browsing large

image collections. According to one of its advantages, this invention provides an automated solution to the problem of finding image sets that form a cohesive unit for the albuming task. The user can select image sets by event, or by people present in the images, or a combination of the two methods, e.g., images of a particular person taken during a particular event.

[0024] Referring to FIG. 1, the consumers' digital image collection or a subset thereof 10 is grouped by event 12 and by people present in images 14. The consumer may choose either criteria--event or people--for grouping, or both in any order, based on the semantics of the task. For example, to create an album of the events in a baby's first year, the user may first group images by people, and then group by events after selecting the group depicting the baby; whereas, to create an album to share vacation experiences with a friend, the user may first group by event (vacation) and then by people (to find images containing the user). Grouping by event 12 is achieved using the method described in U.S. Pat. No. 6,351,556, entitled "A Method for Automatically Comparing Content of Images for Classification into Events", by Loui and Pavie issued on Feb. 26, 2002; and grouping by the identity of people present in the images 14 uses the method of clustering by facial similarity described in U.S. Ser. No. 10/143,272, entitled "Method and Apparatus for Organizing and Retrieving Images Containing Human Faces" filed 10 May 2002 in the names of Chen et al, both of which are incorporated herein by reference.

[0025] The user can then select the group(s) 16 of images to include in the album. The grouping algorithms also provide emphasis scores to each image relative to other images in the group. In grouping by people, an emphasis score is assigned to each retrieved image, given by the fraction of the image covered by the faces of the specified people. In event-based grouping, this score is based on image quality (sharpness, contrast, etc.) and composition. The emphasis scores are used by the layout engine 18 to generate page layouts, as described in U.S. Ser. No. 09/750,858, entitled "System and Method for Automatic Layout of Images in Digital Albums" by Geigel and Loui filed on 29 Dec. 2000, which is incorporated herein by reference. The design engine 20, which uses the method described in connection with FIG. 2, is then used to suggest designs appropriate for the selected image set from the database of design elements 22 based on the photo profile generated. The album page(s) 24 are created with the selected layout and design choices.

As is clear from the cited sections, Das is directed to allowing a user select criteria for creating groups of image sets. The selected criteria are for grouping images into sets. For example, the user can select an event, or people present, or combination of the two methods. The system then obtains a plurality of images, automatically groups them into image sets based on the user's selection of criteria. The images sets are related to a design theme, automatically suggest a design theme, and automatically generate a custom photo album page. There is simply no specifying of a distinct media resource for which a relation is to be configured. The only selections discussed in paragraphs 0009-0010 and 0024 is of criteria for creating image sets.

Only after the image sets are created does paragraph 0025 discuss selecting an image set. As the image set is the only item selected, it can be the only thing the Office can rely on to disclose or suggest the resource in the instant claims. The image set fails to disclose the resource as recited in the claims in that it fails to be stored in a data store and fails to be associated with a resource type. There is simply no teaching or suggestion of as storing the image set as a resource in a data store or associating the image set with a resource type as recited in the claims. Even assuming this created image set is a distinct, categorizable object associated with a resource type and stored in a data store (which Applicant denies), there is never a relation configured for the image set, much less a relation comprising a matching criteria.

Further, the claims include a recitation directed to "allowing for configuring the relation comprising a matching criteria for the **specified** media resource" (Emphasis added). Accordingly, the matching criteria is configured after specifying the media resource in the instant application. The exact opposite scenario takes place in Das. As stated above, in Das matching criteria are specified for returning image sets. The image sets are then selected for inclusion in an album. There is never specification of a resource for which a relation is to be configured in Das, as the only time a resource (the image set, arguably) is

selected is after the relation (matching criteria) have been entered. As such, Das fails to cure the deficiencies of Edlund discussed above.

As such, the cited combination fails to disclose or suggest wherein the resource is a media resource that is a distinct, categorizable media object associated with a resource type and stored in a data store as recited in the claims. Accordingly, claims 1, 16, and 31 are allowable for at least the reasons stated above and Applicant requests the Office reconsider the obviousness rejections of claims 1, 16, and 31 should be withdrawn. Furthermore, rejected claims 2-15, 17-30, and 32-45 are novel and inventive for at least the same reasons.

Returning to claims 1, 16, 31, and 46-48 as stated above, neither Edlund nor Das disclose or suggest "presenting a visual representation of the media resource and a selectable visual representation of the relation for accessing a link included in the relation set" as recited in the independent claims. In the Office Action, the Office admits that Edlund does not explicitly teach "presenting a visual representation of the media resource and a selectable visual representation of the relation for accessing a link included in the relation set." Applicant agrees with this conclusion. Accordingly, Edlund need not be discussed with regard to the above referenced recitation.

Das fails to cure the deficiency discussed above in that Das does not disclose or suggest "presenting a visual representation of the media resource and a selectable visual representation of the relation for accessing a link included in the relation set" as recited in the independent claims. Das fails to disclose or suggest providing for presenting a visual representation of the media resource and a selectable representation of the relation. The Office Action states Das provides for online access of photo albums wherein images and albums are grouped by various categories. While a photo album would include images, there is nothing in Das that discloses or suggests presenting a selectable visual representation of a relation for accessing a link to a resource related to the specified presented media resource. There is simply nothing in Das that disclose

or suggests that the album includes the selectable visual representation of the relation for accessing a link included in the relation set as recited in the claims.

Accordingly, since the cited documents fail to disclose or suggest all of the claim limitations for at least the above reasons, the obviousness rejections of claims 1, 16, 31, and 46-48 should be withdrawn. Furthermore, rejected claims 2-15, 17-30, and 32-45 are considered novel and inventive for at least the same reasons.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited and entry and favorable consideration of the above remarks is respectfully requested. The Examiner is respectfully requested to telephone the undersigned patent attorney at the below-listed number if, after reviewing the above Remarks, the Examiner believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, associated with the filing of this paper to Deposit Account No. **50-3512**.

Respectfully submitted,

Date: June 13, 2008
Customer No: 49278
111 Corning Road; Ste. 220
Cary, North Carolina 27518
919 233 1942 x219 (voice)
919 233 9907 (fax)

/John A. Demos/
John A. Demos
Attorney for Applicant
Reg. No. 52,809